

STEVEN GUEVARA §
v. § CIVIL ACTION NO. 5:11cv196
RICKY HENRY §

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The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly


ORDERED that the Report of the Magistrate Judge (docket no. 36) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the Defendant's motion for summary judgment (docket no. 27) is GRANTED and the above-styled civil action be and hereby is DISMISSED with prejudice to its being re-filed until such time as the pre-conditions of Heck v. Humphrey, 512 U.S. 477 (1994) are met - in other words, Guevara's lawsuit is dismissed with prejudice until such time as he can show that the disciplinary case which he received in connection with this incident has been overturned, expunged, set aside, or called into question through the issuance of a federal writ of habeas corpus. See DeLeon v. City of Corpus Christi, 488 F.3d 649, 657 (5th Cir. 2007). It is further

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

It is SO ORDERED.

SIGNED this 27th day of September, 2012.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE